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February 25, 2016

**VIA ELECTRONIC FILING
and U.S. FIRST CLASS MAIL**

Garey E. Lindsay
Regional Director
National Labor Relations Board, Region 9
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, OH 45202-3271

**Re: A.P. Green Industries, Inc.
 NLRB Case Nos. 09-CA-151564 and 09-CA-154799**

Dear Mr. Lindsay:

I am counsel for A.P. Green Industries, Inc. (the "Company") in connection with the above-referenced matters. I am writing to request that the hearing in this matter, which has been unexpectedly moved to March 21, 2016 from the April 12, 2016 hearing date that all parties previously agreed to, be returned to the April 12 date for the reasons discussed below.

On January 22, 2016, the Company and I received the Board's Complaint in these consolidated cases and its Notice of Hearing, scheduling a hearing for February 24, 2016. On behalf of the Company, I requested a postponement of the hearing due to the short notice and significant scheduling conflicts for the Company's witnesses and me as identified in my January 27, 2016 letter to you. I subsequently had several telephone conversations and email exchanges with the Board's Trial Attorney, Zuzana Murarova, in an effort to arrive at a date for the hearing that was mutually convenient for all parties and their representatives. On February 3, 2016, we arrived at April 12, 2016 as an appropriate date for all concerned, and on that same day, you entered an Order scheduling the hearing for April 12, 2016 in Jackson, Ohio.

Following receipt of this Order, the Company's witnesses and I arranged our schedules and planned our preparation for the hearing based on the April 12, 2016 hearing date. Unfortunately, and totally by surprise, I received an email from Trial Attorney, Patrice Tisdale on February 18, 2016, notifying me that the Board had decided to move the hearing date to March 21, 2016, thereby reducing the time to prepare for the hearing by three weeks. The email stated that the hearing was being moved up because the Region had received authorization to seek injunctive relief under Section 10(j) of the Act.

The Board's decision to move up the hearing date is quite troubling because the Region certainly knew at the time that it proposed the April 12 hearing date that it was seeking authorization to proceed with petitioning for 10(j) injunctive relief and that if granted that authorization, it would seek to move up the hearing date. Yet, the Region never mentioned any of this in its discussions with me regarding the April 12 hearing date and therefore led me to believe that the April 12 hearing date was a firm date. The Company and I relied on those representations. Out of fairness, the Region should have alerted me to the fact that the Region was awaiting authorization to seek 10(j) injunctive relief and that if given that authorization, the Board intended to move up the hearing date. If the Region had done so, the Company and I would have planned accordingly. Without that information, we lost over two weeks of preparation time from when we were notified on February 3 of the April 12 hearing date to when I was notified on February 18 that the hearing had been moved to March 21. Had we known the Region's actual intentions, we would have used those two weeks to prepare for the ULP hearing.

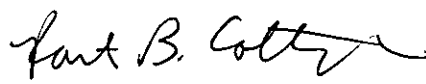
The difficulties created for my client as a result of the Board's decision to move the hearing up to March 21 without fair warning is compounded by the scheduling order requested by the Board in its injunction petition. Pursuant to the Order to Show Cause entered by the Court on Tuesday of this week, at the Board's request, the Company is required to file an answer to the petition by March 1, 2016 and a memorandum in response to the petition by March 8, 2016. The Court further ordered that the parties appear before the Court for a mediation on March 24, 2016 and for a hearing before the Court on March 25, 2016. As such, if the hearing on the Board's complaint remains scheduled for March 21, 2016 the parties will be required to appear before the Court after two and a half days of a hearing that may go much longer. This schedule leaves little or no time for the Company to adequately prepare for the hearing in the ULP case on March 21, 2016. The Company would have prepared for this eventuality if the Region had provided notice that it was awaiting authorization to seek 10(j) relief and that the hearing date may be moved.

Due to the unfair burden placed on the Company by the Board's actions, the Company hereby requests that the hearing in these consolidated cases be rescheduled for April 12, 2016 as the parties agreed upon and as directed in your February 3, 2016 Order.

Thank you for your consideration of this request. If you require any additional information, please contact me.

Very truly yours,

COHEN & GRIGSBY, P.C.

By: 
Robert B. Cottingham

cohen&grigsby

Garey E. Lindsay

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cc: Zuzana Murarova, Esq.
Nancy A. Parker, Esq.